

Advisory Opinion

IECDB AO 2005-05

May 19, 2005

TO ALL INTERESTED PERSONS:

Pursuant to Iowa Code section 68B.32A(11) and rule 351—1.2, the Iowa Ethics and Campaign Disclosure Board issues this opinion on session function reporting forms. We note at the outset that the Board's jurisdiction is limited to the application of Iowa Code chapters 68A and 68B and rules in Iowa Administrative Code chapter 351.

OPINION:

The 2003 General Assembly enacted Iowa Code section 68B.22(4)“r” as an exception to the gift law. This exception permitted all state and local governmental personnel to attend receptions held during the legislative session when every member of the General Assembly was invited to attend and there was no limit on the amount of food, beverage, or entertainment provided at the reception so long as the sponsor of the reception filed a report with both the General Assembly and the Board.

In response, both the General Assembly and the Board prescribed separate reporting forms. In addition, the General Assembly provided guidance as to what information was to be disclosed on the forms filed for the legislative branch and the Board provided guidance as to what information was to be disclosed on the forms filed for the executive branch.

The 2005 General Assembly amended Iowa Code section 68B.22(4)“r” to require that a sponsor of a reception file a report with the General Assembly and then the person or persons designated by the Secretary of the Senate and the Chief Clerk of the House shall forward a copy of the report to the Board. The requirement for a sponsor to file a separate report with the Board was repealed. Also, the word “reception” was replaced with the word “function” throughout the amended section.¹

As there will no longer be separate reporting made to the executive branch and the Board will only be receiving copies of forms filed with the legislative branch, the Board will no longer be providing advice as to what information is to be disclosed on these forms. In addition, the Board will no longer be initiating compliance measures or taking any steps to see that these forms are timely or properly filed.

The Board will make sure that it receives copies of the reports from the legislative branch as directed by the amended statute and will post these copies on the Board's Web site to ensure full and easily accessible public disclosure.²

IECDB Advisory Opinion 2004-16, discussing information to be reported on session reception reports filed with the Board, is now moot and is hereby rescinded.

BY DIRECTION AND VOTE OF THE BOARD

James Albert, Board Chair

Janet Carl, Vice Chair

Gerald Sullivan

Betsy Roe

John Walsh

Patricia Harper

Submitted by: W. Charles Smithson, Board Legal Counsel

¹ See 2005 Iowa Acts, HF 253, Section 5.